

VANDERSLICE DECL. EXHIBIT A4

Contains Highly Confidential Information

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al,

Plaintiffs,

vs.

META PLATFORMS, INC.,

Defendant.

Case No. 3:20-cv-08570-JD

**DECLARATION OF ERIN FLAUCHER
IN SUPPORT OF OMNIBUS SEALING MOTION**

I, Erin Flaucher, declare as follows:

1. I am a Senior Litigation Paralegal for Microsoft Corporation (“Microsoft”). I have personal knowledge of the facts set forth in this declaration. For the facts of which I do not have direct personal knowledge, they are based upon information and belief, and I believe them to be true.

2. This declaration relates to certain references to and quotations from the deposition of Microsoft’s Reid Maker and from certain Microsoft documents in the User Class Rebuttal Report of Catherine Tucker (“Tucker Report”), the Declaration of Dr. Nicholas Economides in Support of Consumer Plaintiffs’ Motion for Class Certification Errata (“Economides Report”), and the Expert Report of Michael A. Williams (“Williams Report”) from the above-captioned case.

3. The Tucker Report contains citations to and quotations from the following confidential documents produced by Microsoft and confidential testimony from Microsoft witnesses:

- a. MS-LIT_0000005810, [Rewards Users Economic Analysis- 1028 FINAL.pptx]
- b. MS-LIT_0000050344, [20190916 Offsite Draft-0913.pptx]
- c. MS-LIT_0000052626, [FW: Amazon gift card as Rewards Redemption]
- d. 30(b)(6) and 30(b)(1) Deposition of Reid Maker, *Maximilian Klein, et al. v. Meta Platforms, Inc.*, No. 3:20-CV-08750, June 20, 2023, 9:20-24, 12:24-13:10, 195:16-25, 222:25-223:13, Exhibit 2716

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4. The Economides Report contains citations to and quotations from the following confidential documents produced by Microsoft:

- a. MS-LIT_0000014792, [Data Dignity - Satya Review Aug 2018.pptx]
- b. MS-LIT_0000050344, [20190916 Offsite Draft-0913.pptx]
- c. 30(b)(6) and 30(b)(1) Deposition of Reid Maker, *Maximilian Klein, et al. v. Meta Platforms, Inc.*, No. 3:20-CV-08750, June 20, 2023, pp: 232:12-20

5. The Williams Report contains citations to and a quotation from the following confidential document produced by Microsoft:

- a. MS-LIT_0000058472, [GoogleAds_weeklyreport_07052021.pptx]

6. The references to and quotes from Microsoft's documents include, inter alia, discussion of potential strategy for, and design and usage of, the Microsoft Rewards program, which provides incentives for users to use Microsoft's products and services, including, e.g., the Bing search engine.

7. Additionally, both the Tucker Report and the Economides Report contain quotations from the 30(b)(1) and 30(b)(6) deposition of Reid Maker, a Partner General Manager at Microsoft who oversees the Microsoft Rewards program. The quotations from Mr. Maker's deposition similarly contain explanations of Microsoft's internal strategy for, and user redemption behavior in, the Microsoft Rewards program.

8. All of these materials specifically include or discuss Microsoft's detailed, non-public internal studies, analyses, and studies on user preferences with respect to online privacy, assessments of the merits of different rewards program redemption structures and potential changes, and data on Microsoft Rewards usership and redemption behavior.

9. Microsoft treats this information as non-public, highly sensitive, confidential, and commercially sensitive; and has internal confidentiality policies in place to limit external distribution of this information. Disclosure of this information would place Microsoft at a competitive disadvantage by, *inter alia*, providing competitors with details on the design, usership, and effectiveness of the Microsoft Rewards program, and Microsoft's strategy related to allocation

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of its marketing spend. Such disclosure could allow Microsoft's competitors to design, or redesign, alternative rewards programs using Microsoft's internal insights and information, which would disadvantage Microsoft in its efforts to effectively run its own rewards program and realize the benefits of providing such a program to users. Additionally, the specific disclosure of Microsoft's strategy for its marketing spend would allow competitors to better optimize their marketing spend to the potential detriment of the effectiveness of Microsoft's own.

10. Upon good faith review of the Tucker Report, and for the reasons above, Microsoft asks that the following excerpts remain sealed:

- a. The text describing and quoting from MS-LIT_0000050344 on page 42.
- b. The text characterizing and quoting from MS-LIT_0000050344 on page 61.
- c. The first sentence of item (c) on page 98.
- d. The first and second full sentences on page 99, which characterizes and quotes from MS-LIT_0000052626.
- e. The last sentence of the first paragraph on page 134.
- f. The citations in footnotes 101 and 161.
- g. The document description and Maker Deposition quotation in footnote 279.
- h. The citation in footnote 280, which refers to information contained within MS-LIT_0000005810.
- i. The quotation from the Maker Deposition in footnote 401.

11. Upon good faith review of relevant excerpts from the Economides Report, and for the reasons above, Microsoft seeks to seal a limited portion thereof, including:

- a. The quotation from the Maker Deposition in paragraph 169.
- b. The characterization of MS-LIT_0000050344, a Microsoft internal survey, in paragraph 367.
- c. The characterization of and quotation from MS-LIT_0000014792, a Microsoft internal strategy presentation, in paragraph 399.
- d. Footnote 558, which quotes from MS-LIT-0000050344.
- e. The portion of footnote 627 that identifies the source of the quotation in paragraph 399.

12. Upon good faith review of the Williams Report, and for the reasons above, Microsoft seeks to seal a limited portion thereof, including:

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a. The quotation from MS-LIT_0000058472.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed by me on this 14th day of November 2023 in Redmond, Washington.

A handwritten signature in black ink, appearing to read 'Erin Flaucher', written over a horizontal line.

Erin Flaucher
Senior Litigation Paralegal